

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

FRANK FISCHER, an individual,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:05-cv-00763-DRB
)	
SYSCO FOOD SERVICES OF)	
CENTRAL ALABAMA, INC., et al.,)	
)	
Defendants.)	

**DEFENDANT’S RESPONSE IN OPPOSITION
TO PLAINTIFF’S MOTION TO STAY**

COMES NOW the Defendant Sysco Food Services of Central Alabama, Inc. (hereinafter “Sysco”) and opposes Plaintiff’s Motion to Stay:

Plaintiff has not demonstrated any “good cause” to further delay this matter. This case has been on the Court’s docket since August 17, 2005. However, almost no discovery has taken place. Sysco’s efforts to move the case forward have been largely stymied. Plaintiff’s motion is another delay tactic.

WHEREFORE, PREMISES CONSIDERED, Sysco respectfully requests the Court deny Plaintiff’s motion to stay and allow discovery to proceed.

s/William D. Smith, Jr.

William D. Smith, Jr.

ASB-2906-T74W

Attorney for Defendant

Sysco Food Services

of Central Alabama, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

s/William D. Smith, Jr. _____
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